

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Trustees of the Operating Engineers Local 137, 137A, 137B,)
137C & 137R Annuity, Pension, Welfare and Apprenticeship)
Skill Improvement & Safety Funds of the International Union) Index # 20-cv-8434 (KMK)
of Operating Engineers, Local 137, 137A, 137B, 137C & 137R)
and the International Union of Operating Engineers Local 137,)
137A, 137B, 137C & 137R,)
Plaintiffs,) DEFAULT JUDGMENT
-against-)
)
M. ALI CONSTRUCTION INC.,)
Defendant,)
)

This action having been commenced on October 9, 2020 with the filing of the summons and complaint and the summons and complaint were served upon the Employer on October 15, 2020 via NYS Secretary of State and proof of such service thereof was filed on October 25, 2020 and the defendant not having appeared, answered or otherwise moved with respect to the Complaint within the time allowed by law, and the time for appearing, answering or otherwise moving having expired it is,

ORDERED, ADJUDGED AND DECREED: that Plaintiffs have judgment against Defendant in the liquidated amount of Twenty Eight Thousand Nine Hundred Five Dollars and Twenty-Six Cents (\$28,905.26) which includes the following: \$12,941.72 in unpaid fringe benefit contributions and for the period October 1, 2017 through to and including December 31, 2018 (audit findings); \$1,688.67 in interest calculated at 10% per annum for each delinquent month through the date of the Audit Report, February 6, 2020; \$1,078.40 in interest calculated at 10% per annum for the ten month period of February 7, 2020 through December 7, 2020; \$1,294.17 in liquidated damages calculated at 10% of the principal amount due for the period October 1, 2017 through December 31, 2018; audit cost in the amount of \$9,947.40; attorneys' fees in the amount of \$1,485.00; court costs and disbursements in the

amount of \$470.00 pursuant to the Agreement and in accordance with Section 502(g)(2)(D) of ERISA 29 U.S.C. 1132 (g)(2)(D)).

ORDERED, that the Judgment rendered by the Court on this day in favor of the Plaintiffs is entered as a final judgment against Defendant and the Clerk of the Court is directed to enter such judgment forthwith.

Dated: White Plains, New York

January 14, 2021. 

So Ordered:

Honorable Kenneth M. Karas, U.S.D.J.